

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DAVID FREEMAN,)	
)	
Petitioner,)	
)	
v.)	Case No. 2:06-cv-122-MHT-VPM
)	
RICHARD ALLEN,)	
Commissioner Alabama Department)	
Of Corrections,)	
)	
Respondent.)	

MOTION FOR ENLARGEMENT OF TIME

Comes now Respondent, by and through the Attorney General of the State of Alabama, and hereby respectfully moves for an enlargement of time in which to file its Answer to Petition for Writ of Habeas Corpus and Habeas Corpus Checklist for 30 days, up to and including May 8, 2006, and states the following in support:

1. Petitioner filed his Petition for a Writ of Habeas Corpus February 16, 2006. Doc. 5.
2. This Court ordered the Respondent to answer the petition and file the record of State Court proceedings (Habeas Corpus Checklist) by April 7, 2006. Doc. 6.
3. Freeman's petition is 66 pages long, contains 16 claims and 24 sub-claims.

4. Between the date the petition was filed and the answer is due, undersigned must prepare the following in other death penalty cases: An Answer to a Rule 32 Petition for Habeas Corpus in Walker County Circuit Court, *James Allen Johnson v. State*, CC-99-18.60 (Due February 21, 2006); the Appellee's Brief in the Alabama Court of Criminal Appeals on direct appeal, *Mohammad Sharifi v. State*, CR-04-1185 (Due March 15, 2006); and three briefs in the United States District Court for the Northern District of Alabama in a Section 2254 Habeas Corpus Petition, *Robin Myers v. Campbell*, 5:04-CV-618-LSC-TMP (Due March 3, 10, and 31, 2006). Petitioner is also preparing a brief in opposition to certiorari review in the United States Supreme Court, *Stephen Pilley v. Alabama*, 05-9323 (Due April 25, 2006).

5. Due to the length and complexity of the petition as well as the undersigned's work load, the Respondent will be unable to file its answer and habeas corpus checklist by April 7, 2006.

6. This motion is not intended to unduly hinder or delay this case.

WHEREFORE, Respondent request that this Court grant an enlargement of thirty [30] days in which to file its Answer to Petition for Writ of Habeas Corpus and Habeas Corpus Checklist, up to and including May 8, 2006.

Respectfully Submitted,

Troy King
Attorney General

/s/ Cheryl Ann Schuetze
Cheryl Ann Schuetze
Assistant Attorney General
Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/CEF system this 23rd day of March, 2006, which will send notification to: **Keir M. Weyble and Christopher Seeds.**

/s/ Cheryl Ann Schuetze
Assistant Attorney General